

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EDWARD J. SMITH,

Plaintiff,

vs.

NEBRASKA WAREHOUSE COMPANY,

Defendant.

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8:05CV81

ORDER

This matter is before the court on the defendant's MOTION TO COMPEL (#24). Plaintiff did not file any response to the motion.

During the hearing on plaintiff's attorney's motion to withdraw, the plaintiff was specifically advised that discovery would not be stayed and that he was required to respond to the defendant's discovery requests. Apparently, the plaintiff did not respond to any of defendant's discovery requests; however, the court cannot yet rule on the Motion to Compel because the defendant did not provide the "verbatim recitation of each interrogatory, request, answer, response, and objection that is the subject of the motion," as required by NECivR 7.1(i)(2).

IT IS ORDERED:

1. Defendant is given until **January 10, 2006** to supplement the Motion to Compel by filing an Evidence Index providing the information required by NECivR 7.1(i)(2).
2. The Motion to Compel (#24) is set for hearing at the time of the status conference now set for **January 17, 2006**.

DATED December 29, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**